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**FAX TRANSMISSION TO USPTO**

TO: Commissioner for Patents  
Attn: Examiner Sue X. Lao  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: George H. Gates  
OUR REF.: 6002.03  
TELEPHONE: (310) 642-4146

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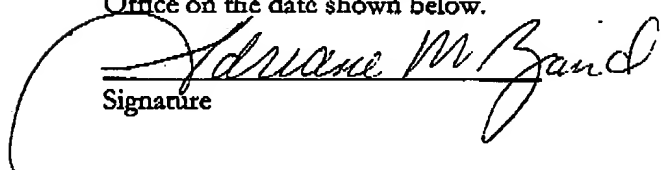
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Title of Document Transmitted:	<b>REPLY BRIEF OF APPELLANT (IN TRIPLICATE) AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT</b>
Applicant:	David M. Siefert
Serial No.:	08/813,714
Filed:	March 7, 1997
Group Art Unit:	2151
Our Ref. No.:	6002.03

By: 

Name: George H. Gates  
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G&C 30145.94-US-F1

Due Date: May 25, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Siefert Examiner: Sue X. Lao  
Serial No.: 08/813,714 Group Art Unit: 2151  
Filed: March 7, 1997 Docket: 6002.03  
Title: AUTOMATED RESOURCE MANAGEMENT SYSTEM

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on May 23, 2003.

By: [Signature]  
Name: George H. Gates

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.  
☒ REPLY BRIEF OF APPELLANT (IN TRIPLICATE).

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-1673 of NCR Corporation (the assignee of the present application). A duplicate of this paper is enclosed.

GATES & COOPER LLP  
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By: [Signature]  
Name: George H. Gates  
Reg. No.: 53,500  
GHG/amb

Due Date: March 25, 2003

#45  
LDS  
5-28-03**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES****Official**RECEIVED  
5-23-03

In re Application of: )

Inventor: David M. Siefert )

Examiner: Sue X. Lao

Serial #: 09/813,714 )

Group Art Unit: 2151

Filed: March 7, 1997 )

Appeal No.: \_\_\_\_\_

Title: AUTOMATED RESOURCE  
MANAGEMENT SYSTEM )**REPLY BRIEF OF APPELLANT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §1.193(b)(1), Appellant's attorney hereby submits the Reply Brief of Appellant in response to the Examiner's Answer dated March 25, 2003. The Reply Brief is submitted in triplicate.

No fees are required for filing this Reply Brief. However, should it be necessary, the Office is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 14-0225.

**I. RELATED APPEALS AND INTERFERENCES**

There is a related appeal for Application Serial No. 08/813,730, filed March 7, 1997. This application comprises a parallel continuation from the same parent application as the present application. The appeal was filed on March 17, 2003.

**II. STATUS OF CLAIMS**

Appellant's attorney acknowledges the Examiner's entry of the Terminal Disclaimer in

the application, which overcomes the provisional rejection of claim 15 under the judicially-created doctrine of double patenting over claim 1 of U.S. Patent No. 5,699,526 in view of Pisello et al., U.S. Patent No. 5,495,607 (Pisello) and Miller et al., U.S. Patent No. 5,475,819 (Miller).

### III. ISSUES PRESENTED FOR REVIEW

With the entry of the Terminal Disclaimer by the Examiner, issue (1) presented for review in the Brief of Appellant, i.e., whether the Terminal Disclaimer and Certificate under 37 C.F.R. §3.73(b) were seasonably presented, is now moot.

### IV. ARGUMENT

In the Answer, the Examiner essentially reiterates the arguments of the prior Office Action. However, Appellant's attorney respectfully submits that independent claim 15 is patentable over the references, because this claim contains limitations not found in the references. Specifically, independent claim 15 recites a specific combination of structure and functions not shown by the references.

For example, Appellant's attorney respectfully submits that the references, taken individually or in combination, do not teach or suggest a plurality of servers grouped into interconnected regional servers and local servers, wherein regional servers serve a region and hold one or more profiles for resources associated with the local servers within the region. The Examiner merely assigns the labels of "regional" and "local" servers to various aspects the references, but there is no recognition or discussion of the functions recited in the claims that define the "regional servers" and "local servers," namely the holding of profiles for resources in the regional servers and the association of resources with the local servers within the region.

In another example, Appellant's attorney respectfully submits that the references, taken individually or in combination, do not teach or suggest that the resources are classified as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers, in the context of independent claim 15 where each of the resources has at least one of the profiles associated therewith, and user computers search the profiles stored in the regional servers and request delivery of the resources associated with the local servers based on the searched profiles.

As admitted by the Examiner, the virtual catalog of Pisello only stores information on non-physical resources, i.e., files. Nonetheless, the Examiner notes that Miller includes physical resources, e.g., hardware facilities such as printers and disks, and thus asserts that combining Pisello with Miller would result in a system where requests could be made for delivery of both soft and physical resources.

Appellant's attorney disagrees, and submits that the Examiner's assertion can only be made with hindsight. Nothing in either reference describes making requests for the delivery of both physical resources and soft resources, and the extrapolation from Pisello is improper, when the virtual catalog of Pisello only stores information on soft, i.e., non-physical, resources, as admitted by the Examiner.

Thus, taken individually or in any combination, the references do not teach or suggest that the resources are classified both as physical resources and soft resources, wherein the physical resources are not downloadable from the local servers and the soft resources are downloadable from the local servers.

Thus, the Appellant's attorney submits that independent claim 15 is allowable over the references.

Appellant's attorney also submits that dependent claims 16-22 are allowable over the cited references in the same manner as independent claim 15, because they are dependent on independent claim 15, and thus contain all the limitations of the independent claim. In addition, dependent claims 16-22 recite additional novel elements not shown by the cited references, which are discussed below.

#### V. CONCLUSION

In light of the above arguments, Appellant's attorney respectfully submits that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103.

As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

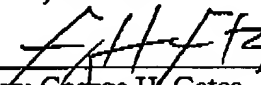
David M. Siefert

By his attorneys,

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